

Current Class: CONFIDENTIAL
Current Handling: n/a

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ACTION SCT-02

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	EB-00	NSCE-00
	ARA-00	NSAE-00	COME-00	SSO-00	L-03	NRCE-00	TRSE-00
	PM-10	PA-01	FAAE-00	CCO-00	INRE-00	CA-02	USSS-00
	USIE-00	JUSE-00	FBIE-00	OC-02	DOEE-00	M-01	FAIM-01
	DS-01	P-02	T-01	/033 W			

-----123741 282000Z /41

R 281907Z NOV 88
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 1426
INFO SECDEF WASHDC IMMEDIATE
USCINCSO QUARRY HEIGHTS PM PRIORITY
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
CIA WASHDC
DIA WASHDC

RELEASED IN PART
B1, 1.4(B), 1.4(D)

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SOUTHCOM ALSO FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PTER, PINS, PGOV, KJUS, CO
SUBJECT: PRESIDENT BARCO ANNOUNCES NEW MEASURES
TO FIGHT TERRORISM AND VIOLENCE

REF: BOGOTA 17566

1. (U) IN THE AFTERMATH OF THE ATTEMPT ON THE LIFE OF
DEFENSE MINISTER GUERRERO PAZ, THE MASSACRE IN SEGOVIA,
AND ONGOING GUERRILLA ATTACKS, PRESIDENT VIRGILIO BARCO
UNVEILED SEVEN MEASURES DESIGNED TO CURB MOUNTING
VIOLENCE. BARCO PRESENTED THE MEASURES IN A STRONGLY
WORDED SPEECH DELIVERED ON NATION-WIDE TELEVISION
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NOVEMBER 25. DURING THE WEEK OF NOVEMBER 28, THE
PRESIDENT PLANS TO OFFICIALLY DECREE THE FOLLOWING:

-- THE IMPOSITION OF AUTOMATIC LIFE SENTENCES ON THOSE

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: APPEALS REVIEW PANEL
APPEAL ACTION: RELEASED IN FULL
DATE/CASE ID: 25 OCT 2004 200400772

Current Class: CONFIDENTIAL
UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 28 APR 2004 200400772

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FOUND GUILTY OF MASSACRES OR HOMICIDES PERPETRATED IN THE COURSE OF TERRORIST ATTACKS (ATENTADOS) AGAINST GOVERNMENT OFFICIALS OR POLITICAL LEADERS;

-- THE IMMEDIATE DETENTION OF INDIVIDUALS STRONGLY SUSPECTED OF CONSPIRING (OR HAVING CONSPIRED) AGAINST PUBLIC ORDER;

-- AN INCREASE IN RECRUITMENT FOR THE ARMED FORCES AND THE MILITARY POLICE, AND THE CREATION OF SPECIAL GROUPS TO COMBAT SUBVERSION AND TERRORISM;

-- THE STRENGTHENING OF THE ARMED FORCES THROUGH THE PURCHASE OF NEEDED WAR MATERIEL, ESPECIALLY BOATS, TRUCKS AND AIRCRAFT TO IMPROVE MOBILITY;

-- THE OFFER OF OFFICIAL PARDONS AND REWARDS TO PARTICIPANTS IN MASSACRES AND ATTACKS (ATENTADOS) WHO AGREE TO TURN STATE'S EVIDENCE;

-- THE SPECIAL PROTECTION OF JUDGES AND MAGISTRATES INVESTIGATING MASSACRES OR ATTACKS (ATENTADOS); AND,

-- THE ELIMINATION OF TRIAL BY JURY IN THE CASES OF "MONSTROUS CRIMES." (NOTE: THREE PERSON JURIES TRY MURDER CASES IN COLOMBIA.)

2. (C) THESE MEASURES WILL LIKELY BE ISSUED UNDER
PRESIDENT BARCO'S STATE OF SIEGE POWERS, WHICH ALLOW HIM
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TO LEGISLATE BY DECREE. THE DECREES WOULD TAKE EFFECT IMMEDIATELY UPON R.S.

7-,:3, BUT WOULD BE SUBJECT TO AN AUTOMATIC SUPREME COURT REVIEW OF THEIR CONSTITUTIONALITY WITHIN TWENTY DAYS. DESPITE THE FACT THAT THE PRESIDENT OF THE SUPREME COURT TOLD THE PRESS NOVEMBER 26 THAT HE AGREED WITH ALL OF THE PROPOSED MEASURES, SEVERAL ARE CONSTITUTIONALLY QUESTIONABLE. THE MOST TROUBLESOME ARE THE MANDATORY LIFE SENTENCE, THE ARRESTS FOR SUSPICION OF CONSPIRACY TO DISTURB THE PUBLIC ORDER, AND THE ELIMINATION OF JURIES FOR SOME MURDER TRIALS.

3. (C) THE GENERAL REACTION TO THE PRESIDENT'S ANNOUNCEMENT HAS BEEN POSITIVE. THERE IS A GROWING

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SENTIMENT FOR TOUGHER GOVERNMENT MEASURES TO DEAL WITH VIOLENCE. THE LIBERAL "EL TIEMPO," IN A NOVEMBER 27 EDITORIAL, DESCRIBED THE PROPOSED MEASURES AS THE STRONGEST IN THE NATION'S HISTORY AND NOTES THAT THE RECENT MASSACRE IN SEGOVIA (SEE BOGOTA 17064) AND THE ATTACK ON GUERRERO PAZ OFFER AMPLE JUSTIFICATION FOR THEM. MOST JUDICIAL EXPERTS INTERVIEWED BY THE PRESS SUPPORTED THE ELIMINATION OF JURIES IN THE TRIALS FOR "MONSTRUOUS CRIMES," WHICH USUALLY INVOLVE NARCOTRAFFICKING-RELATED ATROCITIES. THOSE WHO PARTICIPATE IN THESE JURIES HAVE BEEN INVARIABLY SUBJECTED TO SEVERE INTIMIDATION.

[REDACTED] HOWEVER, TOLD POLOFF ON NOVEMBER 27 THAT ALTHOUGH HE AGREED WITH MOST OF THE PROPOSED MEASURES, HE TOOK EXCEPTION TO THE AUTOMATIC IMPOSITION OF LIFE SENTENCES.

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